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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,318	07/19/2001	Jeffery R. Parker	GLOLP0114US	1195

7590

01/16/2003

Donald L. Otto  
Renner, Otto, Boisselle & Sklar, LLP  
19th Floor  
1621 Euclid Avenue  
Cleveland, OH 44115-2191

EXAMINER

SEMBER, THOMAS M

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/909,318**

Applicant(s)  
**Parker et al**

Examiner  
**Thomas Sember**

Art Unit  
**2875**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Dec 23, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-56, 58-84, and 86-136 is/are pending in the application.
- 4a) Of the above, claim(s) 8-21, 23, 26, 31, 32, 35-38, 40-43, 45-56, 58, 62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 22, 24, 25, 27-30, 33, 34, 39, 44, 59-61, 128, 131, 132, and 136 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

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***Election/Restriction***

1. Applicant's election without traverse of the species of figures 5 and 5a in Paper No. 5 is acknowledged.

***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-7, 22, 24, 25, 27-30, 33, 34, 39, 44, 59-61, 128, 131-132 and 136 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 183-289 of copending Application No. 09/256,275. Although the conflicting claims are not identical, they are not patentably distinct from each other because the applicant merely uses different terminology to claim the same structure as the structure claimed in 09/256,275.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 U.S.C. § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 5-7, 22, 24, 25, 28, 30, 33, 34, 39, 44, 59-61, 128 and 132 are rejected under 35 U.S.C. 102(b) as being anticipated by Kojima et al. Kojima et al discloses a

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light directing film comprising a thin optically transparent substrate 2 having individual optical elements of 7 well defined shape on or in the substrate to redistribute light passing through the substrate towards a direction normal to the substrate. The optical elements are quite small in relation to the width and length of the substrate. At least some of the optical elements have at least one curved surface and at least one planar surface for redistributing light along two different axes, at least some of the optical elements, the curved surface of at least some of the optical elements has a different perimeter shape than a perimeter shape of the planar surface.

***Claim Rejections - 35 U.S.C. § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 5-7, 22, 24, 25, 28, 30, 33, 34, 39, 44, 59-61, 128 and 132 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshikawa et al (figure 4).

Yoshikawa et al (figure 4) discloses a light directing film comprising a thin optically transparent substrate 2 having individual optical elements of 31 well defined shape

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on or in the substrate to redistribute light passing through the substrate towards a direction normal to the substrate. The optical elements are quite small in relation to the width and length of the substrate. At least some of the optical elements have at least one curved surface 31 and at least one planar (defined as the flat top portion as depicted in figure 4) surface for redistributing light along two different axes, at least some of the optical elements, the curved surface 31 of at least some of the optical elements has a different perimeter shape than a perimeter shape of the planar surface.

***Claim Rejections - 35 U.S.C. § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-7, 22, 24, 25, 27-30, 33, 34, 39, 44, 59-61, 128, 131-132 and 136 are rejected under 35 U.S.C. 102(b) as being anticipated by Albinger, Jr.

Albinger, Jr. discloses a light directing film comprising a thin optically transparent substrate 1 having individual optical elements 10 of well defined shape on or in the substrate to redistribute light passing through the substrate towards a direction

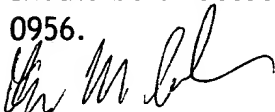
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normal to the substrate. The optical elements are quite small in relation to the width and length of the substrate. At least some of the optical elements have at least one curved surface and at least one planar surface for redistributing light along two different axes, at least some of the optical elements overlap each other.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Sember whose telephone number is (703) 308-1938. The examiner can normally be reached on Monday - Thursday from 8:00 AM - 5:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached at (703)-305-4939. The fax phone number for this group are (703) 872-9318 for regular communications and (703)-872-9319 for after-final communications.

Any inquiries of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-0956.



Thomas M. Sember

Primary Examiner

January 14, 2003